

(M.P.E.P. § 803 (emphasis added)). The fact that *both* criteria must be satisfied is made all the more clear by the following statement in the M.P.E.P.:

If the search and examination of all the claims in an application can be made without serious burden, the examiner *must* examine them on the merits, even though they include claims to independent or distinct inventions.

(M.P.E.P. § 803 (emphasis added)).

Thus, if the subject matter of the pending claims is such that there would be no serious burden on the examiner to search and examine all of the pending claims at the same time, the examiner is to do so, *even if* it might be possible to characterize the pending claims as drawn to independent distinct inventions.

Applicant respectfully submits that the claims of Groups I, II and III are closely related such that examination of all groups would not pose an undue burden on the Examiner. The Examiner would have to review substantially the same prior art to examine Groups II and III as is already being searched and reviewed in order to examine the elected Group I. Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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